

U.S. Patent Application No. 09/736,820  
Request for Reconsideration dated August 6, 2003  
Response to Final Office Action dated May 7, 2003

### REMARKS

Reconsideration and continued examination of the above-identified application are respectfully requested.

At page 2 of the Office Action, the Examiner rejects claims 1-6, 22, 23, and 27 under 35 U.S.C. §102(b) as being anticipated by Skinner (U.S. Patent No. 4,087,400). According to the Examiner, column 4, lines 30-35 of Skinner describes that polymeric flooring planks are connected to each other by a bonding agent, wherein the bonding agent is present on at least one of the edges of at least one of the planks. Furthermore, the Examiner asserts that column 3, line 28 of Skinner describes a bonding agent that includes at least one solvent that at least bonds the edges of the planks, wherein the bonding agent is tetrahydrofuran. Furthermore, the Examiner asserts that Skinner discloses that the bonding agent is present on two opposite edges of each individual plank and that the polymeric flooring plank is in the shape of a tile. The Examiner further asserts that the polymeric flooring plank of Skinner has a polymeric core with a laminate affixed on the surface of the core and that the bonding agent includes at least two different solvents capable of at least bonding edges of the polymeric portions of the plank. For the following reasons, this rejection is respectfully traversed.

The claimed invention relates to a floor surface covering having two or more polymeric flooring planks having edges, wherein the planks are connected to each other by a bonding agent, wherein the bonding agent is present on at least one of the edges of at least one of the planks, and wherein the bonding agent includes at least one solvent that at least bonds the edges of the planks.

Skinner relates to joining sections of sheets of flexible vinyl flooring having a high gloss

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polyurethane wear layer by first placing the sections to be joined in closely abutting relationship to form an unsealed seam between the sections and then applying seam sealing composition to the seam and curing the sealing composition to produce a welded seam. To one skilled in the art, this patent relates to seam sealers, which are commonly used for vinyl flooring. Unlike Skinner, the claimed invention relates to flooring planks made out of polymers which are connected together by the bonding agent referred to in the claimed invention. The polymeric flooring planks referred to in the present invention are quite different from vinyl flooring. To assist the Examiner, these flooring planks are essentially substitutes for hardwood flooring which are hard, rigid planks that are laid down on a subfloor or other surface. The present invention specifically describes these planks and refers to related applications for a further description. Also, the urethane used by Skinner is a thermoset. Needless to say, anyone skilled in the art would clearly understand and appreciate that vinyl flooring is quite different technically and structurally from flooring planks, especially polymeric flooring planks.

Accordingly, based on the clear differences in technology and types of materials, Skinner does not teach or suggest the claimed invention. Accordingly, the rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claims 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Skinner in view of Del Rincon et al. (U.S. Patent No. 5,694,730). The Examiner acknowledges that Skinner fails to disclose splines. However, the Examiner asserts that Del Rincon et al. describes having splines located between at least a portion of the polymeric planks for the purpose of joining the planks together. Accordingly, the Examiner concludes that it would have been obvious to one having ordinary skill in the art, at the time the

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applicants' invention was made, to provide Skinner with splines in order to join together the planks as taught by Del Rincon et al. For the following reasons, this rejection is respectfully traversed.

Del Rincon et al. does not relate to the same material as the claimed invention and it certainly does not relate to vinyl flooring sheets. Vinyl flooring sheets are thin, and incapable of accepting a spline. In contrast, Del Rincon et al. describes wooden planks which are not plastic. Therefore, one skilled in the art dealing with vinyl flooring would not look to Del Rincon et al. to add a spline to the vinyl flooring, which is incapable of accepting a spline. Accordingly, one skilled in the art could not possibly combine Skinner with Del Rincon et al.

It is very important for the Examiner to understand that vinyl flooring is very thin as mentioned, for instance at column 4, lines 1-4. Vinyl flooring is typically on the order of millimeters in thickness. Polymeric planks as described above are much greater in thickness. Thus, it is not possible for Skinner to receive any type of spline especially the spline of Del Rincon et al. To better assist the Examiner, the wood boards or panels described in Del Rincon et al. are more of the type of panels (as far as shape is concerned) that the present invention relates to. Further, as mentioned, Del Rincon et al. relates to wood boards or panels and not to polymeric planks. Skinner relates to vinyl flooring. The chemistry with respect to Del Rincon et al. and Skinner are entirely different as well. In addition, even if one could possibly combine the teachings of Del Rincon et al. with Skinner (which as stated above is impossible), one still would not have the claimed invention since Skinner relates to vinyl sheet flooring which is not polymeric planks and Del Rincon et al. relates to wood boards. Thus, there are numerous differences between the two references and the claimed invention. Accordingly, the rejection should be withdrawn.

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If there are any questions, the Examiner is encouraged to contact the undersigned by  
telephone.

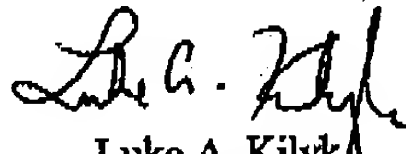
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**CONCLUSION**

In view of the foregoing remarks, the applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

  
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